

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

DEREK CUNNINGHAM, II,

Petitioner,

v.

MICHAEL PARIS,

Respondent.

)
)
)
)
)
)
)
)
)
)
)

No. 3:21-CV-300-KAC-HBG

MEMORANDUM OPINION

The Court is in receipt of the pro se petition of Derek Cunningham, II [Doc. 1]. Petitioner, a prisoner of the Tennessee Department of Correction housed in the Morgan County Correctional Complex (“MCCX”), seeks habeas corpus relief under 28 U.S.C. § 2254 from a conviction for second degree murder in Shelby County, Tennessee [*Id.* at 1]. For the reasons set forth below, this petition will be **TRANSFERRED** to the Western Division of the United States District Court for the Western District of Tennessee.

Under 28 U.S.C. § 2241(d), a petitioner may file a habeas corpus petition in the district where his judgment was entered or in the district where he is incarcerated. Petitioner is currently incarcerated in MCCX, which is located in this District, but his petition challenges a conviction in Shelby County, Tennessee, [*Id.*], which lies in the Western Division of the United States District Court for the Western District of Tennessee, 28 U.S.C. § 123(c)(2). Thus, venue is proper in either this District or the Western Division of the Western District of Tennessee.

A court may transfer a case to another district “in the interest of justice.” 28 U.S.C. § 1406(a); *see also* 28 U.S.C. § 2241(d) (“The district court for the district wherein such an application [for habeas corpus relief] is filed in the exercise of its discretion and in furtherance of

justice may transfer the application to the other district court for hearing and determination.”). A prisoner’s place of incarceration may change over time, but the district in which a court entered judgment will remain constant. Accordingly, the consistent practice in the Tennessee federal courts is to transfer habeas petitions to the district in which the court that entered judgment is located.

For these reasons, the Clerk will be **DIRECTED** to transfer this action to the Western Division of the United States District Court for the Western District of Tennessee and to close this Court’s file.

AN APPROPRIATE JUDGMENT ORDER WILL ENTER.

ENTER:

s/ Katherine A. Crytzer

KATHERINE A. CRYTZER
United States District Judge